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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SAFECAST LIMITED,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Case No. 5:23-cv-03128-PCP

**DEFENDANT GOOGLE LLC'S
RENOTICED NOTICE OF MOTION
TO DISMISS PLAINTIFF'S
AMENDED COMPLAINT FOR
FAILURE TO STATE A CLAIM
PURSUANT TO FED. R. CIV. P.
12(B)(6)**

Date: October 12, 2023
Time: 10:00 a.m.
Courtroom: 8, 4th Floor
Judge: Hon. P. Casey Pitts

RENOTICED NOTICE OF MOTION AND MOTION TO DISMISS

Pursuant to the Order Reassigning Case (Dkt. 78), Defendant Google LLC (“Google”) is hereby renoticing its Motion to Dismiss (Dkt. 75) for hearing on October 12, 2023, at 10:00 a.m., in Courtroom 8, 4th Floor, 280 South 1st Street, San Jose, California 95113, before the Honorable P. Casey Pitts. Google will and hereby does move under Rule 12(b)(6) of the Federal Rules of Civil Procedure for an order dismissing with prejudice the claims of infringement in the September 19, 2022 Amended Complaint filed by Plaintiff Safecast Limited (“Plaintiff” or “Safecast”) (Dkt. 23). Google’s Motion is based on this Notice of Motion, the Memorandum of Points and Authorities (Dkt. 75), Declaration of Amy Liang (Dkt. 75-1), the pleadings and records on file in this action, and such other written and/or oral argument as may be presented at or before the time this motion is heard by the Court.

RELIEF SOUGHT

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Google moves to dismiss with prejudice Safecast’s Amended Complaint for two independent reasons: (1) the asserted U.S. Patent No. 9,392,302 is directed to patent-ineligible subject matter under 35 U.S.C. §101, and (2) Safecast has failed to plead a plausible claim of infringement.

Dated: August 31, 2023

Respectfully submitted,

By: /s/ David S. Almeling
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